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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,101

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Michael Mastropietro

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EXAMINER

WONG, JEFFREY KEITH

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,101	<b>Applicant(s)</b> MASTROPIETRO ET AL.	
	<b>Examiner</b> Jeffrey K. Wong	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Application***

1. This Office-Action acknowledges the Request for Reconsideration filed on 12/10/2008 and is a response to said request.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-7, 9-19, 22-23, 25-28, 31, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd, US 2004/0214628(Boyd).

Regarding Claims 1, 10, 17, 26

(Currently Amended) A method for evaluating a game outcome on a gaming machine, the method comprising:

receiving during the runtime of a wagering game a game rules script(para 67. Gaming scripts as described herein are triggered by events. These triggering events can be stored within each of the gaming devices 12, but more typically are stored within the bonus servers 44. One such event is where a player inserts a player tracking card 66 into card reader 60. Another such event is where a player fulfills particular betting criteria as set forth in a player account.), the game rules script comprising text specifying a set of game elements for a wagering game(para 72. While the scripts are preferably stored, selected, and operated within the gaming machine electronics 94, such

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scripts can be stored, selected, and operated across the gaming machine network shown in FIG. 1. The scripts shown are but representative of the type used in the preferred implementation of the bonus game and it is understood that different or additionally selectable scripts are possible. It is understood that the number of scripts specified can be greater or lesser than ten, and that the number is typically more to reduce the chance of the same script being selected for the same player during any one playing session on the gaming machine. Table 1), the text further defining one or more rules to determine a set of one or more winning outcomes in terms of one or more of the set of game elements(para 91. Other scripts, of course, result in different sequences. In script #6, for instance, the script sequence results in selection of only a single space before obtaining a stop-selection outcome.);

parsing the games rules script into a game rules data structure; generating a game outcome(para 10. A plurality of bonus scripts operable on the gaming machine during the bonus mode are stored within a memory coupled to the processor with each bonus script being associated with a particular end bonus award value. Applicants also point out in para 61 that parsing techniques are well known. Para 62 discloses that parsing of scripts can be implemented when a game application is started. Therefore, the scripts can be viewed as parsed when the game application is first started); and

determining if the game outcome matches at least one winning outcome in the set of winning outcomes in accordance with the game rules data structure(para 10. Operation of the bonus script includes presenting a visual display on the gaming machine under control of the retrieved bonus script. The player is awarded the end bonus award value

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at the conclusion of the retrieved bonus script at which time the processor is shifted back to operate in the basic mode.)

Regarding Claims 2, 27.

(Original) The method of claim 1, wherein the set of winning outcomes comprise winning outcomes for a card game(para 4. Casinos typically include electronic gaming machines (EGMs) such as slot machines and video poker machines. Para 9. The preferred embodiment is described in association with a slot machine, although it is understood that any base game can be used.).

Regarding Claims 3, 28.

(Original) The method of claim 2, wherein the card game comprises a poker card game(para 4 and 9).

Regarding Claims 6, 31.

(Currently Amended) The method of claim 1, wherein each winning outcome in the set of winning outcomes comprises a set of match rules(para 4), wherein the game outcome includes one or more game elements from the set of game elements(para 4), and wherein determining if the game outcome matches at least one winning outcome includes determining if each match rule in the set of match rules for a winning outcome matches at least one game element(para 4).

Regarding Claims 7, 32.

(Original) The method of claim 6, wherein the game element comprises a playing card(para 4).

Regarding Claims 9, 25.

(Original) The method of claim 6, wherein determining if each match rule in the set of match rules for a winning outcome matches at least one game element includes the tasks of:

a. comparing a game element with a match rule in the set of match rules(para 4);

b. if the game element matches a match rule, then:

removing the game element from the plurality of game elements to form a reduced set of gaming elements(para 4),

removing the match rule from the set of match rules to form a reduced set of match rules,

executing tasks a and b on the reduced set of gaming elements and the reduced set of match rules(para 4. It is well known in the art that there are many methods in which video poker can be played.); and

c. determining that each match rule has been matched when no rules remain in the reduced set of match rules(para 4).

Regarding Claim 11.

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(Original) The computer-readable medium of claim 10, wherein the set of rules include a rank matching rule(para 4. Poker has ranks based on hands).

Regarding Claim 12.

(Original) The computer-readable medium of claim 11, wherein the rank matching rule defines an exact match to a rank(para 4).

Regarding Claim 13.

(Original) The computer-readable medium of claim 11, wherein the rank matching rule defines a numerical comparison to a rank(para 4. Ranks are defined numerically. For instance, the highest hand, royal flush, can be viewed as first and highest rank).

Regarding Claim 14.

(Original) The computer-readable medium of claim 10, wherein the set of rules includes a suit matching rule(para 4. Poker includes matching rules).

Regarding Claim 15. (Original) The computer-readable medium of claim 10, wherein the set of rules includes a wild card definition rule(para 4. It is well known that a various of video poker allows the use of wild cards).

Regarding Claim 16.

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(Original) The computer-readable medium of claim 10, wherein each winning outcome in the set of winning outcomes includes a payout amount(para 4. It is well known in the art that video poker provides a payout to winning outcomes).

Regarding Claim 18.

(Original) The computerized gaming system of claim 17, wherein the set of winning outcomes comprise winning outcomes for a card game(para 4. Poker comprises winning outcomes for a card game).

Regarding Claim 19.

(Original) The computerized gaming system of claim 18, wherein the card game comprises a poker card game(para 4).

Regarding Claim 22.

(Original) The computerized gaming system of claim 17, wherein each winning outcome in the set of winning outcomes comprises a set of match rules, wherein the game outcome includes a plurality of game elements, and wherein the gaming application is further operable to determine if each match rule in the set of match rules for a winning outcome matches at least one game element(para 4. Poker can have pairs which can result in a winning outcome).

Regarding Claim 23.



(Original) The computerized gaming system of claim 22, wherein the game element comprises a playing card(para 4).

3. Claims 4, 5, 8, 20, 21, 24, 29, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd, US 2004/0214628 (Boyd) in view of Perrie et al., US 2002/0036380(Perrie).

Regarding Claims 4, 5, 20, 21, 29-30.

Boyd discloses the claimed invention as discussed in Claim 1 but fails to disclose wherein the set of winning outcomes comprise winning outcomes for a dice game. However, Perrie teaches of how the popular game trademarked YAHTZEE by Hasbro, Inc. is basically a draw poker variation in which the players are allowed, twice, to "replace" existing rolls of five dice(para 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Perrie's game of Yahtzee is an obvious variation of poker games found in casinos that can be implemented with selectable scripts as taught by Boyd.

Regarding Claims 8, 24, 33

Boyd discloses the claimed invention as discussed in Claim 6 but fails to disclose wherein the game element comprises a playing card.

However, Perrie teaches of how the popular game trademarked YAHTZEE by Hasbro, Inc. is basically a draw poker variation in which the players are allowed, twice, to "replace" existing rolls of five dice(para 7). Therefore, it would have been obvious to one

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of ordinary skill in the art at the time the invention was made that Perrie's game of Yahtzee is an obvious variation of poker games found in casinos that can be implemented with selectable scripts as taught by Boyd.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Bob Dancer's WinPoker teaches how a game of video poker can comprise of a plurality of methods in which poker can be implemented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW

/Scott E. Jones/  
Primary Examiner, Art Unit 3714